

Amendment No. 4 to SB0915

Kelsey
Signature of Sponsor

AMEND Senate Bill No. 915*

House Bill No. 1072

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 27, Chapter 1, is amended by adding the following language as a new section:

(a) In an action brought against this state, a department or agency of this state, or an official of this state in their official capacity that challenges the constitutionality of a state statute, the state may appeal as of right from an interlocutory order of a circuit or chancery court of this state that:

- (1) Grants, continues, or modifies an injunction; or
- (2) Denies a motion to dissolve or modify an injunction.

(b) There is a rebuttable presumption that an injunction issued against the state pursuant to subsection (a) should be stayed pending the final outcome of the interlocutory appeal because the interest of the state in enforcing the statute is compelling.

SECTION 2. Tennessee Code Annotated, Section 29-14-103, is amended by designating the existing language as subsection (a) and adding the following new subsection:

(b) Notwithstanding subsection (a), this chapter does not permit a local government official or a municipality, county, or any other political subdivision of this state to bring or fund an action against this state, any department or agency of this state, or an official of this state in their official capacity asking a court to rule on the constitutionality of a state statute unless the local government official, municipality, county, or other political subdivision of this state can demonstrate standing and:

(1) The local government official, municipality, county, or other political subdivision of this state will suffer monetary damages directly resulting from the enforcement of the statute; or

(2) It appears from the face of the statute that no party other than a governmental entity would have standing to challenge the state statute.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. This act takes effect July 1, 2021, the public welfare requiring it, and applies to all causes of action arising on or after that date.